

08/12/99

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No. B-3425 DIV 617265-1
Anticipated Classification
of this application
Class _____ Subclass _____
Prior application: 09/032,211
Examiner: NGO, L.
Art Unit: 3731

Commissioner of Patents and Trademarks
Box New Patent Application
Washington, D.C. 20231

Sir:

CONTINUATION OR DIVISIONAL FILING UNDER 37 CFR 1.53(b)

This is a request for filing a

[] Continuation [X] Divisional

application under 37 CFR 1.53(b), of pending prior U.S. Application
Serial No. 09/032,211 filed on February 27, 1998 of (1) Toshikazu
Kikuchi (2) Toshiyuki Nakajima (3) Kenichi Kobayashi (4) Takashi
Masuda for "INSERTION DEVICE FOR DEFORMABLE INTRAOCULAR LENS".

1. Prior Application

[X] I hereby verify that the attached papers are a true copy
of what is shown in my records to be the above identified
prior application, including the oath or declaration
originally filed (see 8 for drawing requirements.)

NOTE: Under 37 CFR 1.53(b) practice, signing and execution of the application by the
applicant may be omitted provided the application is a continuation or divisional
which adds neither new matter nor new inventors to the parent application and a copy
of the original declaration or oath from the parent application is supplied with the
new application - 37 CFR 1.63(d)(1)

CERTIFICATION UNDER 37 CFR 1.10

I hereby certify that this paper and the documents referred to as attached therein
are being deposited with the United States Postal Service in an Express Mail
envelope with sufficient postage for Express Mailing on this date August 12, 1999
in an envelope as "Express Mail Post Office to Addressee" service under 37 CFR 1.10,
Mailing Label Number EL052827928US addressed to the "Commissioner of Patents and
Trademarks, Box New Patent Application, Washington, D.C. 20231"

Alex Martinez
(Type or print name of person mailing paper)

Martinez
(Signature of person mailing paper)

NOTE: Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed
thereon prior to mailing - 37 CFR 1.10(b).

2. Amendments

☒ Cancel in this application original claims 1-3 and 8-16 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

☐ A preliminary amendment is enclosed.

3. Fee Calculation

CLAIMS FOR FEE CALCULATION

Number Filed	Number Extra	Rate	Basic Fee
			\$760.00
Total			
Claims	06 -20=	0 x \$ 18.00	.00
Independent			
Claims	04 -03=	1 x \$ 78.00	78.00
Multiple dependent			
Claim(s), if any	0 x	\$260.00	.00

☐ The fee for extra claims is not being paid at this time.

NOTE: If the fees for extra claims are not paid on filing they must be paid or the claims cancelled by amendments, prior to the expiration of the time period set for response by the Patent and Trademark Office in any notice of fee deficiency. 37 CFR 1.16(d).

Filing fee calculation \$838.00

4. Small Entity Status

☐ a verified statement that this is a filing by a small entity is attached.

☒ verified statements have previously been filed in the parent application (37 CFR 1.28 (a)).

Filing fee calculation (50% of above) \$ 419.00

NOTE: If a verified statement is filed within two (2) months of the date of payment of the first fee then the excess fee paid will be refunded on request. Notice of January 20, 1983. 1027 TMOG 114.

5. Fee Payment Being Made At This Time

Not enclosed

☐ no filing fee is submitted. This and the surcharge required by 37 CFR 1.16(e) can be paid subsequently.

Enclosed

☒ filing fee \$ 419.00

6. Method of Payment of Fees

☒ enclosed is a check in the amount of \$ 419.00

☐ charge account number 12-0415 in the amount of \$

NOTE: Fees should be itemized in such a manner that it is clear for which purpose the fees are paid - 37 CFR 1.22(b)

09372955-081299

7. Authorization to Charge Additional Fees

The Commissioner is hereby authorized to charge the following additional fees which may be required to Account No. 12-0415:

☒ 37 CFR 1.16 (filing fees and presentation of extra claims)

☒ 37 CFR 1.17 (application processing fees)

☐ 37 CFR 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 CFR 1.311(b)).

NOTE: 37 CFR 1.28(b) requires "Notification of any change in status resulting in loss of entitlement to small entity status must be filed in the application...prior to paying...issue fee."

8. Drawings

☐ Transfer the drawings from the prior application to this application and abandon said prior application as of the filing date accorded this application. A duplicate copy of this request is enclosed for filing in the prior application file. (May only be used if signed by (1) the applicant, (2) the assignee of record or (3) the attorney or agent of record authorized by 37 CFR 1.138 and before payment of issue fee.)

NOTE: DO NOT check this box if prior case is not to be abandoned.

☐ Transfer the following sheet(s) of drawings from the prior application to this application _____

NOTE: Transferring sheets must be cancelled in prior application 37 CFR 1.88

☒ New drawings are enclosed ☒ formal ☐ informal

9. Priority - 35 U.S.C. 119

☒ Priority of applications 9-53503 filed on 03/07/97, 9-55139 filed on 03/10/97, 9-122373 filed on 05/13/97, and 10-6300 filed on 01/16/98 in JAPAN is claimed under 35 U.S.C. 119.

☒ The certified copy has been filed in prior Application Serial No. 09/032,211 filed February 27, 1998.

10. Relate Back - 35 U.S.C. 120

Amend the specification by inserting before the first line the sentence:

This is a ☐ continuation ☒ divisional of co-pending Application Serial No. 09/032,211 filed on February 27, 1998.

U.S. Pat. 5,447,717

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11. Assignment

☒ The prior application is assigned of record to CANON STAAR CO., INC.

12. Power of Attorney

The Power of Attorney in the prior application is to:
Richard P. Berg, Reg. No. 28,145; Don B. Finkelstein, Reg. No. 20,068; Colin P. Abrahams, Reg. No. 32,393; Mavis S. Gallenson, Reg. No. 32,464; Kam C. Louie, Reg. No. 33,008; Don A. Hollingsworth, Reg. No. 25,631; Ira M. Siegel, Reg. No. 28,907.

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- a. ☒ The power appears in the original papers in the prior application
- b. ☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- c. ☐ A new power has been executed and is attached.
- d. ☐ Address all future communications to
- e. ☐ An Associate Power of Attorney has been executed and is attached.

(May only be completed by applicant, or attorney or agent of record).

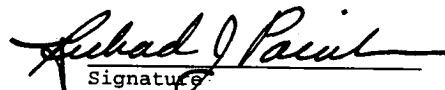
13. Maintenance of Copendency of Prior Application

- ☐ A petition, fee and response has been filed to extend the term in the pending prior application until _____.

14. An Information Disclosure Statement is enclosed.

I hereby declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

August 12, 1999
Date


Signature
Richard J. Paciulan
Registration No. 28,248

Address of Signatory

c/o LADAS & PARRY
5670 Wilshire Boulevard
Suite 2100
Los Angeles, Ca 90036-5679

- ☐ Inventor(s)
☐ Assignee of complete interest
☐ Attorney or agent of record
☒ Filed under Rule 34(a)

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